



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,884	01/25/2006	Seiichi Itoda	32178-227629	8077
26694 7590 10/17/2008				
VENABLE LLP				
P.O. BOX 34385				
WASHINGTON, DC 20043-9998				
EXAMINER				
SHOLEMAN, ABU S				
ART UNIT		PAPER NUMBER		
4148				
MAIL DATE		DELIVERY MODE		
10/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,884

Applicant(s)

ITODA, SEIICHI

Examiner

ABU SHOLEMAN

Art Unit

4148

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-US)
Paper No(s)/Mail Date 01/25/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This instant application having application NO.10565884 filed on 01/25/2006 is presented for examination by the examiner.

Oath/Declaration

2. The applicants' oath/declaration had been reviewed by the examiner and is found to conform to the requirements prescribed in **37.C.F.R.1.63**.

Priority

3. As required by **M.P.E.P.201.14(c)**, acknowledgement is made of applicant's claim for priority based on applications filed on July 25, 2003 (JP2003-279637).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 01/25/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Oath/Declaration

5. The applicants' oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R.1.63.

Drawings

6. The drawing were received on 01/25/2006. These drawings are acceptable for examination purposes.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "**The subsequent authentication**" in line 4. There is insufficient antecedent basis for this limitation resulting in indefiniteness in the claim. It is not clearly understood how "the subsequent authentication" relates to "a second authenticating apparatus" of line 9 of claim 5.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S.

Art Unit: 4148

patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1,2,3 5,6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chainer et al (Patent No: US 6957337)(hereinafter Chainer).

As per claim 1, Chainer discloses "A multi-authenticating method also for use in organism authentication " as (column 1, line 65-68, a plurality of authentication methods such as a personal information and a biometric of a subject), "making the organism authentication by using a physical feature of an authentication target" as (column 3,line 12-14, this method for using biometrics for verification without the invasion of privacy) and , " when a result of said organism authentication indicates an affirmative" as (column 2,line 10-15, a person's fingerprint that stored in database used to perform biometric recognition),"thereafter issuing an authenticating medium by which simple and prompt authentication can be made on the assumption that

Art Unit: 4148

the affirmative result of the organism authentication is obtained" as (column 3, line 14-18, While using biometrics to generate a password to provide secure and reliable authentication of biometrics); and "authenticating the authentication target by using said authenticating medium " as (column 4, line 39-42, password out of biometric data generating further authentication) and " permitting use of an apparatus in accordance with a result of the authentication by said authenticating medium " as (column 1, line 9-11, the method of authorization based on biometrics encoded with password).

As per claim 2, Chainer discloses " wherein said authenticating medium is a personal property of the user of the apparatus as an authentication target" as (column 3 , line 21-26, a different passwords for each or the same one are provided that each

Art Unit: 4148

owner's password is registered with the authorization system for the device)

As per claim 3, Chainer discloses " Wherein said authenticating medium is a password" as (column 4, line 41-42, Building a password out of biometric data for further authentication).

As per claim 5, Chainer discloses " A multi-authenticating system also for use in organism authentication" as (column 3, line 23-25, All biometric information is stored in the authorization system and password for authentication), " a first authenticating apparatus constructed by an organism authenticating unit which makes the organism authentication by using a physical feature of an authentication target and a medium issuing unit which issues an authenticating medium when a result of said organism authentication indicates an affirmative" as (column 4, line 44-43, The device with a processor

Art Unit: 4148

for analyzing biometric data and authenticate them and generate a password as a authentication medium from a biometric data for further authentication). And "a second authenticating apparatus constructed by a medium authenticating unit which authenticates the authentication target by using said authenticating medium and an apparatus control unit which permits use of an apparatus in accordance with a result of the authentication by said authenticating medium" as (column 4, line 52-57, password is attached to the device for a further authentication for any typical task).

As per claim 6, Chainer discloses "wherein said authenticating medium is a personal property of the user of the apparatus as an authentication target" as (column 3 , line 21-26, a different passwords for each or the same one are provided that each owner's password is registered with the authorization system for the device).

Art Unit: 4148

As per claim 7, Chainer discloses " wherein said authenticating medium is a password" as (column 4, line 41-42, Building a password out of biometric data for further authentication).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4,8,10,11 are rejected under 35 U.S.C 103(a) as being unpatentable over Chainer et al (Patent NO:6957337) (hereinafter Chainer) in view of Kamise et al (JP 10246041) (hereinafter Kamise).

As per claim 4, Chainer disclose "The multi-authentication method also for use in the organism authentication according to claim 2" as (see

Art Unit: 4148

rejection above claim 2), but fails to disclose " further comprising the step of collecting the personal property as said authenticating medium".

However, Kamise discloses "further comprising the step of collecting the personal property as said authenticating medium" as (page 5 , line 2-3, The card recovery machine equipped with the card reader which collects said entrance cards when a caller is formed).

Chainer and Kamise are analogous arts because they are same field of endeavor of the method for secure authorization and identification using biometrics.

Therefore, It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Chainer by including a collection of the personal property such as entrance cards that taught by

Art Unit: 4148

Kamise because it would provide more effective management of a visitor in the security system of any organization [Kamise (JP10246041)page 5 , line 5-6].

As per claim 8, Chainer disclose "The multi-authenticating system also for use in the organism authentication according to claim 6" as (see rejection above claim 6), but fails to explicitly disclose "further comprising a collecting unit which collects the personal property as said authenticating medium".

However, Kamise discloses " further comprising the step of collecting unit which collects the personal property as said authenticating medium" as (page 5, line 2-3, The card recovery machine equipped with the card reader which collects said entrance cards when a caller is formed).

Chainer and Kamise are analogous arts because they are same field of endeavor of the system for secure authorization and identification using biometrics.

Therefore, It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Chainer by including a collection of the personal property such as entrance cards that taught by Kamise because it would provide more effective management of a visitor in the security system of any organization [Kamise (JP10246041)page 5 , line 5-6].

As per claim 10, Kamise discloses " Wherein the organism authentication is accompanied in the step of collecting the personal property as said authenticating medium" as (page 4, line 15-16, The face section of the person corresponding to

Art Unit: 4148

guidance that is a authenticating medium for entrance).

As per claim 11, Kamise discloses "wherein the organism authenticating unit which makes the organism authentication at the time of the collection of said personal property is provided in a recognizing apparatus having the collecting unit which collects the personal property as said authenticating medium" As (page 4, line 15-16, The face section of the person corresponding to guidance that is a authenticating medium for entrance).

13. Claim 9 is rejected under U.S.C.103(a) as being unpatentable over Chainer et al (Patent No: US 6957337) (hereinafter Chainer) in view of Takahashi et al (JP 2003044892) (hereinafter Takahashi).

As per claim 9, Chainer discloses "The multi-authenticating system also for use in the organism authentication according to claim 6" as (see rejection above claim 6), but fails to disclose "wherein said first authenticating apparatus writes all data necessary for the subsequent authentication into the personal property of the user of the apparatus, and said second authenticating apparatus can solely discriminate whether or not the use of the apparatus is permitted on the basis of the data obtained from said personal property".

However, Takahashi discloses "wherein said first authenticating apparatus writes all data necessary for the subsequent authentication into the personal property of the user of the apparatus" as (paragraph 0004, line 2-4, A system which registers the visitor that could register by inputting necessary information for further

Art Unit: 4148

authentication), and "said second authenticating apparatus can solely discriminate whether or not the use of the apparatus is permitted on the basis of the data obtained from said personal property" as (paragraph 0005, line 1-4, It is performed at the time of a visitor's check that publish a magnetic card which let pass to the number card for identifying the visitor and the equipment which confirms where be those who permit entrance into a room).

Chainer and Takahashi are analogous arts because they are same field of endeavor of the system for secure authorization and identification using biometrics.

Therefore, It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to modify the teaching of Chainer by including a registration management

Art Unit: 4148

system of the visitors, based on information received from visitor's personal digital assistant and magnetic card confirmation for further authentication that taught by Takahashi because it would provide more facilitates registration management for visitor information easily by recording visitor's recognition information [Takahashi (JP 2003044892), line 1-5].

Conclusion

14. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See MPEP 707.05(c).

15. The following reference teaches execution of trial data.

US 6957337

US 6728881

US 7114080

JP 2003044892

JP 10246041

JP 199744617

Art Unit: 4148

16. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Abu Sholeman whose telephone number is (571)270-7314. the examiner can normally be reached on Monday to Friday 8:30 AM to 5.00PM.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Thomas Pham, can be reached at the following telephone number (571)2272-3689.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center(EBC) at 866-217-9197(toll-free).

October 5, 2008

Abu Sholeman
Examiner
Art Unit 4148

/THOMAS K PHAM/

Supervisory Patent Examiner, Art Unit 4148